

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

MARC SCOTT SILVERBERG

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2:09CV119-P-V

**BOYD TUNICA, INC., d/b/a SAM'S TOWN
CASINO & GAMBLING HALL**

ORDER

This cause is before the Court on the defendant's Motion in Limine to Exclude Plaintiff's Counsel from Referencing Religion and/or Deity in Opening or Closing Argument as Guide to Jury's Decision [85]. The Court, having reviewed the motion, the response, the authorities cited and being otherwise fully advised in the premises, finds as follows, to-wit:

Defendant seeks entry of an order prohibiting plaintiff's counsel from referencing religion and/or a deity in opening or closing arguments, or at any point during trial as a guide to the jury's decision. The issue presented is identical to that addressed by Chief District Judge Michael P. Mills in Whitfield v. Harris, 474 F. Supp.2d 822 (N.D. Miss. 2007). The undersigned hereby adopts the reasoning of that opinion and incorporates it by reference herein.¹ Accordingly,

IT IS, THEREFORE, ORDERED AND ADJUDGED that the defendant's Motion in Limine to Exclude Plaintiff's Counsel from Referencing Religion and/or Deity in Opening or Closing Argument as Guide to Jury's Decision [85] should be, and hereby is, GRANTED IN PART AND DENIED IN PART.

¹ A copy of the opinion which explains the instant ruling is attached hereto as Exhibit A.

SO ORDERED, this the 5th day of August, 2011.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE